

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 1:08-cr-10055-JDB-1

MICHAEL DEWAYNE COX,

Defendant.

MICHAEL DEWAYNE COX,

Petitioner,

v.

No. 1:16-cv-01220-JDB-egb

UNITED STATES OF AMERICA,

Respondent.

ORDER REINSTATING ORIGINAL SENTENCE

In an order entered July 12, 2017, this Court granted relief to Michael Dewayne Cox pursuant to 28 U.S.C. § 2255 based on the decision rendered by the Sixth Circuit Court of Appeals in *United States v. Stitt*, 860 F.3d 854 (6th Cir. 2017) (*Stitt I*). (Civ. No. 1:16-cv-01220-JDB-egb, Docket Entry (“D.E”) 8.) An amended criminal judgment was entered on July 20, 2017, reducing Cox’s sentence to time served (Crim. No. 1:08-cr-10055-JDB-1, D.E. 47), and the Government appealed (Civ. No. 1:16-cv-01220-JDB-egb, D.E. 12.).

Subsequently, in *United States v. Stitt*, 139 S. Ct. 399 (2018) (*Stitt II*), the United States Supreme Court reversed the Sixth Circuit's decision in *Stitt I*. On November 13, 2019, the Court of Appeals reversed the grant of relief under § 2255 in light of *Stitt II* and remanded the case to this Court with instructions to reinstate the original sentence. *Cox v. United States*, No. 17-5953 (6th Cir. Nov. 13, 2019). The mandate has now issued and the Government has moved for an order consistent with the appellate court's ruling. (Crim. No. 1:08-cr-10055-JDB-1, D.E. 54.)

Because of the limited nature of the remand--solely for the purpose of reinstating the original sentence--no hearing is necessary. A second amended criminal judgment will be entered in accordance with the order of the Court of Appeals, reinstating Cox's original sentence of 180 months in the custody of the Bureau of Prisons and a three-year term of supervised release.

IT IS SO ORDERED this 23rd day of January 2020.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE